

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:23-cv-00878-TDS-JEP

DEMOCRACY NORTH CAROLINA, et)
al.,)
)
Plaintiffs,)
)
v.)
)
ALAN HIRSCH, et al.,)
)
Defendants,)
)
And)
)
PHILIP E. BERGER, et al.,)
)
Intervenor-Defendants,)
)

**STATE BOARD
DEFENDANTS' PRETRIAL
DISCLOSURES**

Rule 26(a)(3)

NOW COME Defendants Francis X. De Luca, Stacy Eggers, IV, Jeff Carmon, Siobhan O'Duffy Millen, Robert Rucho, and Sam Hayes, all named in their official capacities only¹ (collectively "State Board Defendants"), through undersigned counsel, to submit the State Board Defendants' Pretrial Disclosures pursuant to Fed. R. Civ. P.

¹ Pursuant to Fed. R. Civ. P. 25(d), the following official capacity members of the State Board are no longer parties to this action as their terms expired on April 30, 2025 and they were not reappointed: Alan Hirsch and Kevin N. Lewis. The following official capacity members of the State Board were sworn in on May 7, 2025 and are automatically substituted into this action as parties: Francis X. De Luca and Robert Rucho. Karen Brinson Bell's official capacity term as executive director expired on May 15, 2025. Sam Hayes began his official capacity term as executive director upon his swearing in on May 15, 2025, and he is automatically substituted into this action as a party. See State Board's Press Releases, "New State Board Sworn In, Chairman Election, Executive Director Appointed" (May 7, 2025), and "Sam Hayes Starts as State Board Executive Director" (May 15, 2025), and <https://www.ncsbe.gov/news/recent-press-releases>, last visited June 13, 2025.

26(a)(3)(A) and the Court's Notice of Hearing [D.E. 139] for the trial scheduled to begin in the above-captioned case during the trial term beginning August 4, 2025. The State Board Defendants reserve the right to amend and supplement these Pretrial Disclosures.

I. WITNESSES THE STATE BOARD DEFENDANTS MAY PRESENT AT TRIAL.

Pursuant to Fed. R. Civ. P. 26(a)(3)((A)(i), the State Board Defendants expect to present the following witness at trial:

1. Paul Cox
General Counsel
State Board of Elections
6400 Mail Service Center
Raleigh, NC 27699-6400
(Contact through counsel)
2. Parker Holland
Elections Administration Manager
State Board of Elections
6400 Mail Service Center
Raleigh, NC 27699-6400
(Contact through counsel)

The State Board Defendants reserve the right to modify, amend, or supplement this witness list up to and through trial. In addition, these witnesses may be called in any order.

State Board Defendants also reserve the right to call witnesses not identified below for impeachment purposes.

II. WITNESSES WHO MAY BE PRESENTED BY DEPOSITION

Pursuant to Fed. R. Civ. P. 26(a)(3)(A)(ii), the State Board Defendants have requested agreement from the other parties to present deposition testimony in lieu of live

testimony for Parker Holland. The State Board does not object to the presentation of deposition testimony in lieu of live testimony for Paul Cox. In addition, the State Board Defendants reserve the right to submit deposition testimony in lieu of live testimony for any witness who becomes unavailable consistent with this Court's order or by further agreement of the parties.

III. EXHIBITS THAT STATE BOARD DEFENDANTS MAY OFFER AT TRIAL.

The State Board Defendants' Exhibit List, attached as Exhibit 1, identifies each exhibit that it may offer at trial. The State Board Defendants are willing to work with the parties to identify exhibits that the parties agree can be placed on a joint exhibit list.

The State Board Defendants reserve the right to introduce into evidence any documents identified in a Joint Exhibit List and by Plaintiffs or by Intervenor Defendants in their Pretrial Disclosures. The identification of any exhibit listed in the State Board Defendants Exhibit List is not an admission that the exhibit would be admissible if proffered by Plaintiffs or by Intervenor Defendants. The State Board reserves the right to amend their list of trial exhibits in Exhibit 1 and to introduce additional documents as rebuttal or impeachment evidence, or as demonstrative exhibits, which will be identified and exchanged at a mutually agreeable time prior to trial.

Submitted this the 7th day of July, 2025

NORTH CAROLINA
DEPARTMENT OF JUSTICE

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Counsel for State Board Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have filed via ECF the foregoing document which will serve the same upon all counsel of record in this action.

This the 7th day of July, 2025.

/s/ Mary L. Lucasse
Mary L. Lucasse
Special Deputy Attorney General